

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANTOINE DESHAWN BARNES,
Plaintiff,
v.
VAN NESS,
Defendant.

Case No. 1:20-cv-00625-NONE-EPG (PC)

ORDER FOR PLAINTIFF TO SHOW
CAUSE WHY HE SHOULD NOT BE
SANCTIONED FOR FAILURE TO
PROSECUTE THIS ACTION

TWENTY-ONE DAY DEADLINE

Antoine Barnes (“Plaintiff”) is a prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

Given Plaintiff’s conduct at the telephonic scheduling conference in this case, the Court warned Plaintiff “that if he continues to make inappropriate comments (verbally or in writing), if he fails to comply with court orders, or if he fails to prosecute this case, he may be sanctioned, up to and including dismissal of this action.” (ECF No. 37, pgs. 2-3).

On July 14, 2021, Defendant filed a motion to compel, alleging that Plaintiff failed to respond to Defendant’s discovery requests. (ECF No. 38, p. 2). Defendant also sent Plaintiff two meet and confer letters, but Plaintiff failed to respond to those as well. (*Id.*).

The deadline for Plaintiff to respond to Defendant’s motion to compel has passed, and Plaintiff failed to respond to the motion.

It appears that Plaintiff is not prosecuting this action. Accordingly, it is HEREBY

1 ORDERED that:

- 2 1. Within **twenty-one (21) days** from the date of service of this order, Plaintiff shall
3 show cause why he should not be sanctioned, up to and including the sanction of
4 dismissal with prejudice, for failure to prosecute this action; and
5 2. Failure to respond to this order may result in this action being dismissed with
6 prejudice.

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8 IT IS SO ORDERED.

9 Dated: **August 19, 2021**

/s/ Eric P. Gray
10 UNITED STATES MAGISTRATE JUDGE
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